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Serial No. (Control No.): 10/631,916 Examiner: G. ChapmanFiling Date: 07/31/03 Art Unit: 3761 Confirmation No.: 9626Application Title: ABSORBENT MATERIALS AND ABSORBENT ARTICLES
INCORPORATING SUCH ABSORBENT MATERIALS

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(K-C 19,109)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Jian Qin, et al. Art Unit 3761
Serial No. 10/631,916
Filed July 31, 2003
Confirmation No. 9626
For ABSORBENT MATERIALS AND ABSORBENT ARTICLES INCORPORATING
SUCH ABSORBENT MATERIALS

April 3, 2006

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,
SIR:

RESPONSE TO RESTRICTION REQUIREMENT

This letter is in response to the Office action dated March 2, 2006 in which an election was required between the following groups of claims:

Group I: Claims 1-12 and 39, directed to an absorbent material comprising at least in part a cross-linked polymer, the absorbent material having a centrifuge retention capacity of at least about 20 g/g and a gel bed permeability under load of at least about 300×10^{-9} cm² (class 604, subclass 367);

Group II: Claims 13-25 and 40, directed to a surface treated absorbent material comprising a superabsorbent material having a gel stiffness index of at least about 0.8, and a surface treatment applied to the superabsorbent material, the superabsorbent material comprising a cross-linked polymer comprising at least about 75 weight percent anionic polymer, and the surface treatment comprising a water soluble non-cross-

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linked polymer comprising at least about 50 weight percent cationic polymer (class 428, subclass 357);

Group III: Claims 26-28, directed to an absorbent material comprising at least in part a cross-linked polymer, the absorbent material having a centrifuge retention capacity of at least 20 g/g and a free swell gel bed permeability of at least about $2,500 \times 10^{-9}$ cm² (class 442, subclass 417);

Group IV: Claims 29-33, directed to a method of making a surface treated absorbent material (class 521, subclass 57); and

Group V: Claims 34-38, directed to a surface treated absorbent material comprising a superabsorbent material having a gel stiffness index of at least about 0.8, and a surface treatment applied to the superabsorbent material, the superabsorbent material comprising a cross-linked polymer comprising at least about 75 weight percent cationic polymer, and the surface treatment comprising a water soluble non-cross-linked polymer comprising at least about 50 weight percent anionic polymer (class 428, subclass 357).

Reconsideration of the restriction requirement is respectfully requested. According to 35 U.S.C. §121, a restriction is proper only if there are at least two independent and distinct inventions. Furthermore, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."¹

¹ MPEP §803 (emphasis added).

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In this case, restriction is not proper. The claims of Groups I, II and III have an element in common. For example, claim 1 (Group I), claim 13 (Group II), and claim 26 (Group III) are all directed to materials comprising a cross-linked polymer. As such, the claims of Groups I-III are all directed to superabsorbent materials. Any search of the prior art and examination involving Group I claims therefore, will substantially co-extend with the search and examination of Group II and III claims. Thus, Group I, II and III claims may be searched and examined together without undue burden in accordance with MPEP §803.

Subject to the foregoing traverse, the claims of Group II (claims 13-25 and 40) are elected for examination in this application.

Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims.

The Commissioner is hereby authorized to charge any government fees which may be required to Deposit Account No. 19-1345.

Respectfully Submitted,



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RLB/LJH/cms